

DC-21-11519

CAUSE NO. _____

LARRY FLOYD AND SHANTAE
DEGRATE,

Plaintiffs,

v.

JUSTIN DURRANT AND WE THE
PEOPLE TRUCKING, LLC,
Defendants.

IN THE DISTRICT COURT

192nd JUDICIAL DISTRICT

DALLAS COUNTY, TEXAS

PLAINTIFFS' ORIGINAL PETITION AND REQUEST FOR DISCLOSURES

TO THE HONORABLE JUDGE OF SAID COURT:

COME NOW, LARRY FLOYD AND SHANTAE DEGRATE, Plaintiffs, and file Plaintiffs' Original Petition, complaining of JUSTIN DURRANT AND WE THE PEOPLE TRUCKING, LLC, Defendants, and would show unto the Court as follows:

I. DISCOVERY PLAN

1. This suit is governed by discovery control plan II under Rule 190.3 of the Texas Rules of Civil Procedure.

II. PARTIES

2. Plaintiff, LARRY FLOYD, is an individual who resides at 609 Alcove Drive, Little Elm, Denton County, Texas TX 75068.

3. Plaintiff, SHANTAE DEGRATE, is an individual who resides at 609 Alcove Drive, Little Elm, Denton County, TX 75068.

4. Defendant, JUSTIN DURRANT, is an individual who resides at 891 East Antelope Drive, Layton, Davis County, UT 84040, and may be served with process at that address or wherever he may be located. Citation is requested for this Defendant and service will be completed by a private process server.

5. Upon information and belief, Defendant, WE THE PEOPLE TRUCKING, LLC, is a company that may be served with process through its Member, Adam Collier or any other active Member at 435 East Main Street, Wellington, UT 84542. Citation is requested for this Defendant and service will be completed by a private process server.

III. JURISDICTION & VENUE

6. The Court has continuing jurisdiction over Defendants, because Defendant, Justin Durrant, committed a tort within the State of Texas, and Defendant, We The People Trucking, LLC, maintains minimum contacts with the State of Texas. The Court has jurisdiction over the controversy, because the damages are within the statutory jurisdictional limits of the Court.

7. Venue is proper in Dallas County, Texas, because all or a substantial part of the events or omissions giving rise to the claim occurred in Dallas County.

IV. FACTS

8. This lawsuit results from an automobile collision that occurred on or about February 06, 2021, at Ledbetter Road in Dallas, Dallas County, Texas. Plaintiff, Shantae Degrate, was a passenger in a vehicle driven by Plaintiff, Larry Floyd. Plaintiffs were traveling westbound on Ledbetter Road in the right lane, with Defendant, Justin Durrant, in an adjacent lane. Defendant, Justin Durrant, failed to change lanes when safe and struck Plaintiffs' vehicle from the side. At the time of the collision, Defendant, Justin Durrant, was acting in the course and scope of his employment with Defendant, We The People Trucking, LLC. As a result of the impact, Plaintiffs suffered bodily injury.

V. NEGLIGENCE

9. Defendant, Justin Durrant, and Defendant, We The People Trucking, LLC, vicariously, had a duty to exercise ordinary care and operate the vehicle reasonably and prudently and failed to do so. Defendants were negligent in at least the following respects:

- a. Failure to maintain a proper lookout;
- b. Failure to make such application of the brakes as a person using ordinary care would have made;

- c. Failure to maintain proper control of the vehicle under the conditions then and there existing;
- d. Failure to turn the vehicle to the right or left to avoid the collision;
- e. Traveling at an unsafe speed; and
- f. Failure to maintain an adequate distance between the vehicle and the vehicle driven by Plaintiff.

VI. NEGLIGENCE ENTRUSTMENT

10. Defendant, We The People Trucking, LLC, is liable to Plaintiffs under the doctrine of negligent entrustment. At the time of the accident, Defendant, Justin Durrant, was operating a vehicle owned by Defendant, We The People Trucking, LLC. We The People Trucking, LLC, was negligent in entrusting his vehicle to Defendant, Justin Durrant, an incompetent and/or reckless driver. Defendant, We The People Trucking, LLC, knew or should have known that Defendant, Justin Durrant, was incompetent and/or reckless. Defendant, Justin Durrant, was negligent on the occasion in question, and his negligence was the proximate cause of the accident.

VII. RESPONDEAT SUPERIOR

11. At the time of the accident, Defendant, Justin Durrant, was the agent, servant, and employee of We The People Trucking, LLC, and was acting within the scope of his authority as such agent, servant, and employee. Defendant, We The People Trucking, LLC is liable to Plaintiff for the negligence of Defendant, Justin Durrant, under the common law doctrine of *respondeat superior*.

VIII. DAMAGES

12. As a proximate result of Defendants' negligence, Plaintiffs suffered bodily injury. Plaintiffs suffered the following damages:

- a. Physical pain and mental anguish in the past and future;
- b. Medical expenses in the past and future; and
- c. Physical impairment.

IX. PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiffs, LARRY FLOYD AND SHANTAE DEGRATE, respectfully request that Defendants, JUSTIN DURRANT AND WE THE PEOPLE TRUCKING, LLC, be cited to appear and answer, and on final trial, that Plaintiffs have judgment against Defendants for:

- a. Actual damages;
- b. Prejudgment and post-judgment interest as allowed by law;
- c. Costs of suit;
- d. Monetary relief over \$250,000 but not more than \$1,000,000; and
- e. Any further relief, either in law or equity, to which Plaintiffs are justly entitled.

X. REQUEST FOR DISCLOSURE

Pursuant Rule 194 of the Texas Rules of Civil Procedure, please disclose all information identified in Rule 194.2 (a) - (l).

Respectfully submitted,

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